



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Mitchell E. Daniels, Jr.
Governor

Thomas W. Easterly
Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
Toll Free (800) 451-6027
www.idem.IN.gov

August 22, 2012

VIA ELECTRONIC MAIL

Thomas Mara, President
Indiana Gasification, LLC
P.O. Box 55934
Indianapolis, IN 46205

Dear Mr. Mara:

Re: NPDES Permit No. IN0063851
Indiana Gasification, LLC
Rockport, IN 47635
Spencer County

Your application for a National Pollutant Discharge Elimination System (NPDES) permit for authorization to discharge into the waters of the State of Indiana has been processed in accordance with Section 402 and 405 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), and IC 13-15, IDEM's permitting authority. All discharges from this facility shall be consistent with the terms and conditions of this permit.

One condition of your permit requires periodic reporting of several effluent parameters. Reporting is to be done using the enclosed state discharge monitoring report form. We have included enough forms to establish a supply for approximately four months of reporting. You should duplicate this form as needed for further reporting. This form is also available on the internet at the following web site:

<http://www.in.gov/idem/5104.htm>

Additionally, you will soon be receiving a supply of the computer generated preprinted federal NPDES DMR forms. Both the state and federal forms need to be completed and submitted on a routine basis. If you do not receive the preprinted DMR forms in a timely manner, please call this office at 317-232-8670.

Another condition which needs to be clearly understood concerns violation of the effluent limitations in the permit. Exceeding the limitations constitutes a violation of the permit and may subject the permittee to criminal or civil penalties. (See Part II A.2.) It is therefore urged that your office and treatment operator understand this part of the permit.

A response to the comments received during the public notice period, pertaining to the draft NPDES permit, is contained in the Post Public Notice Addendum. The Post Public Notice Addendum is located at the end of the Briefing Memo.

It should also be noted that any appeal must be filed under procedures outlined in IC 13-15-6, IC 4-21.5, and the enclosed Public Notice. The appeal must be initiated by filing a petition for administrative review with the Office of Environmental Adjudication (OEA) within eighteen (18) days of the mailing of this letter by filing at the following address:

Office of Environmental Adjudication
Indiana Government Center North
100 North Senate Avenue, Room 501
Indianapolis, IN 46204

Please send a copy of any written appeal to me at the IDEM, Office of Water Quality - Mail Code 65-42, 100 North Senate Avenue, Indianapolis, Indiana 46204-2251.

If you have any questions concerning the permit, please contact Richard Hamblin at 317/232-8696. Questions concerning appeal procedures should be directed to the Office of Environmental Adjudication, at 317/232-8591.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Paul M.', with a long horizontal flourish extending to the right.

Paul Higginbotham, Chief
Permits Branch
Office of Water Quality

Enclosures

cc: U.S. EPA, Region V
Spencer County Health Department
Jim Hauck, Hatchett and Hauck, LLP

STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

PUBLIC NOTICE NO. 2012 – 8G -F

DATE OF NOTICE: August 22, 2012

For information about your rights and responsibilities pertaining to the Public Notice process and timeframes, please visit IDEM websites: <http://www.in.gov/idem/5474.htm> and IDEM Citizen Guide: <http://www.in.gov/idem/5803.htm>.

The Office of Water Quality issues the following **NEW MINOR INDUSTRIAL NPDES PERMIT**:

INDIANA GASIFICATION LLC, Permit No. IN0063851, SPENCER COUNTY, CR 200 N and Base Rd, Rockport, IN. This industrial facility will discharge 2.0 million gallons daily of non-process wastewater and variable amounts of stormwater runoff into the Ohio River. Permit Writer: Richard Hamblin at (317) 232-8696, or via email: rhamblin@idem.in.gov.

APPEAL PROCEDURES FOR FINAL PERMITS

The Final Permit is available for review & copies at IDEM/Office of Water Quality, IGCN 1255, 100 N Senate Ave, INDPLS, IN - from 9 – 4, M - F (copies 10¢ per page). To request an E mail copy, send to Damita Ivey at divey@idem.in.gov. You can obtain copies of the final permit, briefing memo, and associated documents at the following locations: on IDEM's website at <http://www.in.gov/idem/5338.htm>, at the IDEM Southwest Regional Office, the Spencer County Health Department, and the Spencer County Library. **Please tell others you think would be interested in this matter.** For your rights and responsibilities go to <http://www.in.gov/idem/5474.htm>; Citizen Guide: <http://www.in.gov/idem/5803.htm>.

Appeal Procedure: Any person affected by the issuance of the Final Permit may appeal by filing a Petition for Administrative Review with the Office of Environmental Adjudication **within** eighteen (18) days of the date of this Public Notice. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant; a person aggrieved or adversely affected or is otherwise entitled to review by law.

Timely filing: The Petition for Administrative Review must be received by the Office of Environmental Adjudication (OEA) **within** 18 days of the date of this Public Notice; either by U.S. Mail postmark or by private carrier with dated receipt. This Petition for Administrative Review represents a request for an Adjudicatory Hearing, therefore must:

- state the name and address of the person making the request;
- identify the interest of the person making the request;
- identify any persons represented by the person making the request;
- state specifically the reasons for the request;
- state specifically the issues proposed for consideration at the hearing;
- identify the Final Permit Rule terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this NPDES Permit rule.

If the person filing the Petition for Administrative Review desires any part of the NPDES Final Permit Rule to be stayed pending the outcome of the appeal, a Petition for Stay must be included in the appeal request, identifying those parts to be stayed. Both Petitions shall be mailed or delivered to the address here:
Phone: 317/232-8591.

Environmental Law Judge
Office of Environmental Adjudication
IGC – North Building- Rm 501
100 N. Senate Avenue
Indianapolis IN 46204

Stay Time frame: If the Petition (s) is filed **within** eighteen (18) days of the mailing of this Public Notice, the effective date of any part of the permit, within the scope of the Petition for Stay is suspended for fifteen (15) days. The Permit will become effective again upon expiration of the fifteen (15) days, unless or until an Environmental Law Judge stays the permit action in whole or in part.

Hearing Notification: Pursuant to Indiana Code, when a written request is submitted, the OEA will provide the petitioner or any person wanting notification, with the Notice of pre-hearing conferences, preliminary hearings, hearing stays or orders disposing of the Petition for Administrative Review. Petition for Administrative Review must be filed in compliance with the procedures and time frames outlined above. Procedural or scheduling questions should be directed to the OEA at the phone listed above.